

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA

v.

MARK GARY HOUGH,

Defendant.

Criminal No. 02-649 (WJM)

ORDER

HON. WILLIAM J. MARTINI

THIS MATTER having come before the Court upon Defendant Mark Gary Hough's motion for an Order appointing *pro bono* counsel pursuant to the Court's discretionary authority under 28 U.S.C. § 1915(e)(1); and the Court noting that this case is currently closed and nothing is currently pending for which Defendant would need *pro bono* counsel; and the Court further noting that though Defendant believes the recently-decided Third Circuit case, *United States v. Orocio*, 645 F.3d 630 (3d Cir. 2011), affects his case, this is not true; and the Court reminding Plaintiff that though *Orocio* held that *Padilla v. Kentucky*, 559 U.S. ___, 130 S. Ct. 1473, 176 L. Ed. 2d 284 (2010), does apply retroactively, this Court's March 15, 2011 Opinion and Order denying Defendant's motion for reconsideration specifically held that whether or not *Padilla* should be applied retroactively is immaterial as "*Padilla* would not afford Defendant relief even if applied in his case[;]" and the Court finding that based on the foregoing, there is no need for the Court to appoint *pro bono* in this closed matter; and for good cause appearing,

IT IS on this 6th day of September 2011, hereby,

ORDERED that Defendant's motion for an order appointing *pro bono* counsel is
DENIED.

s/ William J. Martini
William J. Martini, U.S.D.J.